



# राजपत्र, हिमाचल प्रदेश

## हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

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मंगलवार, 09 मार्च, 2021 / 18 फाल्गुन, 1942

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हिमाचल प्रदेश सरकार

**LABOUR AND EMPLOYMENT DEPARTMENT**

**NOTIFICATION**

*Shimla-2, the 2nd February, 2021*

**No. Shram(A) 6-2/2020 (Awards) Dharamshala.—**In exercise of the powers vested under section 17 (1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards of the following cases announced by the Presiding

Officer, Labour Court Dharamshala on the website of the Department of Labour & Employment Government of Himachal Pradesh:—

Sl. No.	Ref. No.	Petitioner	Respondent	Date of Award/Order
1.	352/15	Rajesh Kumar	D.F.O. Hamirpur	01-09-2020
2.	810/16	Tilak Raj	E.E. HPPWD, Nurpur & others	02-09-2020
3.	330/15	Narender Kumar	D.F.O. Suket	26-09-2020

By order,

KAMLESH KUMAR PANT, IAS  
*Principal Secretary (Lab. & Emp.).*

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 352/2015

Date of Institution : 05.8.2015

Date of Decision : 01.09.2020

Shri Rajesh Kumar s/o Shri Roshan Lal, r/o Village Sapri Anoh, P.O. Dhameta,  
Tehsil Fatehpur, District Kangra, H.P. . Petitioner.

*Versus*

The Divisional Forest Officer, Forest Division, Wildlife Division Hamirpur,  
District Hamirpur, H.P. . Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Rajat Chaudhary, Adv. Vice

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The below given reference has been received from the appropriate Government for adjudication:

“Whether termination of the services of Shri Rajesh Kumar s/o Shri Roshan Lal, r/o Village Sapri Anoh, P.O. Dhameta, Tehsil Fatehpur, District Kangra, H.P. during January, 2014 by the Divisional Forest Officer, Wildlife Division Hamirpur, District Hamirpur, H.P., without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back

wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?"

2. In furtherance to the reference it is averred by the petitioner in the statement of claim that he was engaged as a daily waged forest worker *w.e.f.* 01-4-2004 by the respondent in Wild Life Forest Range Dhameta and that he had worked regularly till the year 2013. His services were orally dispensed with by the respondent in the month of January, 2014. He had approached the respondent time and again for his re-engagement, but without success. He had been given fictional breaks as a result of which he could not complete 240 days. Juniors, namely, Shri Shashi Pal, Shri Pawan Kumar, Shri Sanjeev Kumar and Shri Nanak Chand were retained by the respondent. Even other junior workers were engaged by the respondent after the retrenchment of the petitioner. No opportunity of re-engagement was ever given to the petitioner. The action of the respondent is stated to be in violation of the provisions of Sections 25-F, 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short). The petitioner, thus, prays for his re-engagement with all consequential benefits.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability, that the petitioner has worked after January, 2014 in the department, so the question of final termination does not arise and that the petitioner had not approached the Court with clean hands. The contents of the petition were denied on merits. It was denied that the petitioner was engaged as a daily waged beldar *w.e.f.* 01-4-2004. His services were engaged as a daily waged worker from February, 2005 for anti-poaching watch and ward activities in Pong Dam Bird Sanctuary, Dhameta Beat, District Kangra, for protection of migratory birds under the territorial jurisdiction of the respondent. He had worked intermittently with the respondent for 50 days, 59 days, 71 days, 167 days, 46 days, 65 days, 88 days, 182 days, 62 days, 72 days and 64 days from the year 2005 until the year 2016, as per the availability of work and funds. His services were engaged for seasonal work as per his own free will and volition. Earlier, the petitioner had also raised a dispute before this Court vide Reference No. 274/2012 regarding time to time termination, which was decided against him on 28-8-2013. No casual labourer junior to the petitioner has been engaged as a daily wager. Shri Shesh Pal, who is senior to the petitioner, has been engaged for watch and ward as per the orders of the Court. The other persons named in the petition are not working as daily wagers in Dhameta Wild Life. There has been no violation of the provisions of the Act. The petitioner had never continuously worked for 240 days in any calendar year. The petitioner is gainfully employed, being an agriculturist and is also working under MNREGA in Gram Panchayat Hadwal. The respondent, thus, prays for the dismissal of the claim petition.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court vide order dated 31.5.2019:

1. Whether the termination of services of the petitioner by the respondent during January, 2014 is/was illegal and unjustified, as alleged? . .OPP.
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . .OPP.

3. Whether the petition is not maintainable, as alleged? . .OPR.
4. Whether the petitioner has not approached the Court with clean hands, as alleged? . .OPR.

Relief.

6. Thereafter, the parties to the lis were directed to adduce evidence in support of the issues so framed.

7. Arguments of the learned vice counsel for the petitioner and the learned Deputy District Attorney for the respondent heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: No
Issue No. 2	: Negative
Issue No. 3	: Affirmative
Issue No. 4	: Affirmative
Relief	: Petition is dismissed per operative part of the Award.

### **REASONS FOR FINDINGS**

*Issues No.1 to 3 :*

9. All these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Rajesh Kumar examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are marked as Mark-A to Mark-C.

In the cross-examination, he admitted that seasonal work is done in the department. He denied that he was engaged in the year 2005. Volunteered that, he was engaged in the year 2004. He denied that he had not completed 240 days or more in any calendar year. Self stated that, he had been given fictional breaks repeatedly. He denied that no junior to him has been kept at work by the department. He denied that Shri Shesh Pal was appointed as per the orders of the Court. He is doing the days' drudgery privately. Self stated as and when the work is available. He denied that he is making a phoney statement.

11. Conversely, Shri Rahul M. Rohane, Divisional Forest Officer, Wildlife Division Hamirpur (respondent) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

In the cross-examination, he denied that the petitioner was engaged *w.e.f.* 01-4-2004. Volunteered that, he was kept at work in February, 2005. He denied that the petitioner was given fictional breaks from time to time. He admitted that as per the mandays chart of the department, the petitioner had not completed 240 days in any year. He specifically denied that the petitioner had never remained absent. He admitted that letter dated 23-2-2016, Mark-A has been issued by their office. He also clearly admitted that this year also the petitioner is working with them.

12. Ex. RW1/B is the copy of the mandays chart relating to the petitioner.

13. Ex. RW1/C is the copy of letter dated 22-9-2010 regarding work done by the petitioner in the office of Gram Panchayat Hadwal.

14. Ex.RW1/D is the copy of Award dated 274/2012 passed by this Tribunal on 20-8-2013 pertaining to the petitioner.

15. Ex.RW1/E is the copy of list of daily wagers in respect of Wildlife Division Hamirpur relating to Shri Sarwan and nine others.

16. The version of the petitioner is that his services were engaged as a daily waged beldar by the respondent on 1st April, 2004 and that he had worked as such regularly till December, 2013. The respondent has pleaded that the petitioner was merely engaged as a daily waged worker in from February, 2005 for seasonal anti-poaching watch and ward activities in Pong Dam Bird Sanctuary, Dhameta. Although, the petitioner (PW1) in his cross-examination denied the fact that he had been engaged in the month of February, 2005, but the respondent has proved on record the mandays chart pertaining to the petitioner as Ex. RW1/B. This mandays chart has not been disputed by the petitioner. Its perusal discloses that the services of the petitioner were initially engaged by the respondent in the month of February, 2005 only. The claimant/petitioner has not placed or exhibited on record any document to show that he was engaged by the respondent in the month of April, 2004, as claimed. Then, there is no denial of the fact that earlier also reference No.274/2012 titled as Shri Rajesh Kumar vs. The Divisional Forest Officer, Wild Life Division, Hamirpur, which was filed by the present petitioner, was decided by this Court/Tribunal on 20.8.2013. Its copy has been placed on record as Ex.RW1/D. While deciding the said reference, it was held by this Court/Tribunal that the plea of the petitioner that his services were engaged by the respondent on 1st April, 2004 was negated. Needless to say that such findings have attained finality, as there is no cogent and convincing evidence on the file to show that such findings have been set aside by a Superior Court.

17. It was also the stand taken by the petitioner that he being a daily waged beldar was being given artificial/fictional breaks by the respondent from time to time. Such stand of the petitioner can also not be taken into consideration, as the same was declined by this Court/Tribunal in the earlier reference (Ex.RW1/D) filed by the petitioner, wherein it was specifically held that the services of the petitioner were being engaged from time to time from the date of his initial appointment for the seasonal activities only during the winter season as and when the migratory birds visited the Pong Dam Sanctuary and that fictional breaks in service were never provided to him by the respondent. At the cost of reiteration, I will like to add that such findings rendered by this Court/Tribunal have become final.

18. Now comes the question as to whether in the month of January, 2014 the services of the petitioner were finally terminated by the respondent or not?

19. As per the reference received from the appropriate Government, the services of the petitioner stood finally terminated during January, 2014. The version of the petitioner is that he had worked with the respondent department until December, 2013. In the month of January, 2014, his services were terminated by the respondent wrongly and illegally. It is not the case of the petitioner that the mandays chart Ex.RW1/B produced by the respondent is incorrect. Rather, he in his examination-in-chief itself has categorically stated that he had even worked with the respondent even in the years 2014, 2015, 2016, 2017, 2018 and 2019 for 31 days, 72 days, 110 days, 108 days, 87 days and 67 days respectively. The mandays chart also reveals that in the year 2014, the petitioner had worked for 62 days with the respondent. After that, he had worked for 72 days and 64 days respectively in the year 2015 and 2016. Since, the petitioner served the respondent after December, 2013, as he had worked in the year 2014 to 2016 for a number of days, I am at a loss to understand as to how it lies in his mouth to say that his services were disengaged by the respondent in the month of January, 2014 in a wrongful manner. From the statement made by the petitioner (PW1), it can be gathered that even after the year 2013 he had worked with the respondent till the year 2019. The fact that even after December, 2013 the petitioner had worked with the respondent finds due support from the mandays chart, Ex.RW1/B. In view of these facts, it can easily be said that the petitioner is not speaking the truth. His services were never finally terminated by the respondent in the month of January, 2014, as alleged. As no retrenchment order was passed by the respondent in the month of January, 2014, it cannot be said that the termination/retrenchment order is illegal and unjustified.

20. Such being the situation, I have no hesitation to conclude that the services of the petitioner were not finally terminated by the respondent in January, 2014. The claim petition is not maintainable. The petitioner is not entitled to any relief.

21. Issues No. 1 and 2 are accordingly answered in the negative and decided against the petitioner, while issue No. 3 is answered in the affirmative and decided in favour of the respondent.

#### *Issue No. 4 :*

22. Taking into account my findings on issues No. 1 to 3 above, it is held that the petitioner has not approached the Court with clean hands and has suppressed material facts. The claim petition is frivolous and vexatious. It has been instituted by the petitioner with a malafide intention to derive undue advantage(s). This issue is answered in the affirmative and decided in favour of the respondent.

#### *Relief :*

23. In the light of what has been discussed hereinabove, while recording the findings on issues *supra*, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

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Announced in the open Court today this 1st day of September, 2020.

Sd/-  
 (YOGESH JASWAL),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

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**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR  
COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 810/2016

Date of Institution : 24-11-2016

Date of Decision : 02-09-2020

Shri Tilak Raj s/o Shri Milkhi Ram, r/o Village Kiyali, P.O. Gahin-Lagore, Tehsil Nurpur, District Kangra, H.P. *. Petitioner.*

*Versus*

1. The Executive Engineer, H.P.P.W.D., Division, Nurpur, District Kangra, H.P.
2. The Executive Engineer, H.P.P.W.D. Division, Jawali, District Kangra, H.P. *. Respondents.*

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. Mukul Vaid, Adv. Vice

For the Respondent(s) : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The reference given below has been received from the appropriate Government for adjudication:

“Whether the alleged termination of services of Sh. Tilak Raj s/o Sh. Milkhi Ram, Village Kiyali, P.O. Gahin-Lagore, Tehsil Nurpur, Distt. Kangra, H.P. by the (1) Executive Engineer, H.P.P.W.D. Jawali, District Kangra, H.P., and (2) the Executive Engineer, HPPWD Nurpur, Distt. Kangra, H.P. during the year 1990 who had worked on daily wages basis as beldar and has raised his industrial dispute after about 23 years vide demand notice dated nil received in the office on 4-03-2013, without complying the provisions of the Industrial Disputes Act, 1947, is legal and justified? If not, keeping in view delay of about 23 years in raising the industrial dispute, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employers/management?”

2. The case of the petitioner as it emerges from the statement of claim is that he was engaged by Himachal Pradesh Public Works Department on daily basis in the month of September, 1985 in HPPWD Sub Divisions-I and II, Nurpur and had worked as such till the year 1990, when his services were illegally terminated by the respondents. He had completed more than 240 days in 12 calendar months from the date of his retrenchment. HPPWD Division Nurpur was involved in the construction and maintenance of roads, buildings and bridges, besides the repair and maintenance of tools and plants etc. and the patch work of metalled roads. The petitioner had worked for the preparation of roads with many juniors, retained by the employer and also with the re-engaged employees as detailed in para No. 3 of the petition. The petitioner had worked with various mates. More than 1000 workers were engaged for a number of years by HPPWD Division Nurpur and in the year 1990 a pick and choose policy was adopted and the petitioner along-with some other daily waged workers were retrenched on the false assurance that they would be retained after some time, declaring them surplus. However, juniors mentioned in para 3 of the petition were re-engaged on 25-5-2010. After his oral termination, many verbal requests were made by the petitioner to the department and he was being given the assurance that he would be engaged after three or four months. When nothing was heard from the side of the department, the petitioner had communicated in writing for his reengagement on daily wage basis, but without success. The action of the employer in orally terminating the services of the petitioner is violative of the provisions of Section 25-F of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short). No notice was served upon him. The provisions of Sections 25-G, 25-H and 25-N of the Act have also been violated. The petitioner is having no source of income and is unemployed since his disengagement, hence he is entitled to full back wages, as his termination/retrenchment is illegal and arbitrary. The petitioner, thus, prays for his re-engagement with all consequential benefits.

3. On notice, the respondents appeared. Earlier, they had filed a joint reply on September 4, 2017 wherein it was claimed that the petitioner had never been engaged by the respondents. However, subsequently an application for amendment of the reply was filed by the respondents and which application of theirs' was allowed by this Court/Tribunal on 14-8-2019. Thereafter, a joint amended reply taking preliminary objections regarding lack of maintainability and that the petition was bad on the grounds of delay and laches was filed by the respondents. The contents of the petition were denied on merits. It is averred that the petitioner had been engaged as a daily wager by HPPWD Sub Division Nurpur, Division Jassur and had worked intermittently *w.e.f.* August, 1985 until July, 1990. He had not completed 240 days in any calendar year. The petitioner thereafter had left the work of his own sweet will and had never approached the department. It is claimed that HPPWD Division Jassur was shifted/re-named as HPPWD Division Jawali vide HP Government Notification No. PBW-(A)-A (I) 17/1994 dated 21st July, 1994. It is incorrect that respondent No. 1 had re-engaged workers on 25-5-2010. It is averred that the workers were re-engaged by respondent No. 1 as per the orders of the Hon'ble High Court. It is admitted that HPPWD Divisions Nurpur and Jawali are involved in the construction and maintenance of roads, buildings and bridges, repair and maintenance of tools and plants etc. It is denied that a pick and chose policy had been adopted by the department. No juniors had been retained nor engaged by the respondents. There is no violation of the provisions of Sections 25-F, 25-G and 25-H of the Act. It is denied that the petitioner had made various requests and that assurances had been given to him by the respondents. After leaving the work in July, 1990, the petitioner had never approached the respondents and had raised the demand notice only in the year 2011, *i.e.* after about 21 years. The respondents, thus, pray for the dismissal of the claim.

4. Rejoinder was only filed by the petitioner to the earlier reply preferred by the respondents on 4-9-2017, wherein the averments made in the reply were denied and those in the statement of claim were reiterated. No rejoinder to the amended reply was intended to be filed by the petitioner, as per the statement made at bar by the learned vice counsel appearing for the petitioner on 03.1.2020.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court *vide* order dated 24-3-2018:

1. Whether termination of services of the petitioner by the respondents during year, 1990 is/was illegal and unjustified as alleged? . . OPP.
2. If issue No. 1 is proved in affirmative to what service benefits the petitioner is entitled to? . . OPP.
3. Whether the claim petition is not maintainable in the present form? . . OPR.
4. Whether the claim petition is bad on the ground of delay and laches as alleged. If so, its effect? . . OPR.

Relief.

6. Thereafter, the parties to the lis were directed to adduce evidence in support of the issues so framed.

7. Arguments of the learned vice counsel for the petitioner and the learned Deputy District Attorney for the respondent heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

- |             |  |
|-------------|--|
| Issue No. 1 | : Partly affirmative   |
| Issue No. 2 | : Lump sum compensation of ₹1,00,000/-   |
| Issue No. 3 | : Negative   |
| Issue No. 4 | : Negative   |
| Relief      | : Petition is partly allowed awarding lump sum compensation of ₹1,00,000/- as per the operative part of the award. |

## **REASONS FOR FINDINGS**

*Issues No.1, 2 and 4 :*

9. All these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Tilak Raj examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are Ex.PW1/B to Ex.PW1/H and Mark-A to Mark-Z15.

In the cross-examination, he admitted that before 1994, HPPWD Division was at Jassur. He also admitted that HPPWD Division Jawali was established on 21st July, 1994 vide government notification No. PBW-(A)-A(1)17/94. Further, he admitted that he had never worked in Jawali Division. Volunteered that, he had worked in Nurpur Division. He specifically denied that he had not worked at all with the respondents. Self stated that, he had worked regularly from the year 1985 until the year 1990. He also denied that no juniors to him had been kept at work. He feigned ignorance that Smt. Kusum Lata was appointed as a daily waged beldar in HPPWD Division Dalhousie in the year 1983. He denied that he had never worked for 240 days or more in any year. However, he admitted that he owns land, which he cultivates. He also admitted that he is doing the days' drudgery privately. Self stated that, as and when the work is available.

11. PW2 Shri Sukar Deen testified that he had worked as beldar from the year 1986 until the year 2016 in HPPWD Division, Nurpur. He knows the petitioner, who had also been working with them in the department. He denied in the cross-examination that the petitioner had never worked in the department.

12. PW3 Shri Gian Chand stated that he was engaged in the year 1986 as a Mate in HPPWD Division, Nurpur. He was removed by the department in the year 1990, when he had obtained a stay from the H.P. Administrative Tribunal. Thereafter, he was again kept at work. He knows the petitioner, who had also worked with them in the department. He was also a member of their union. In the cross-examination, he was categorical that the petitioner had never worked with him. Volunteered that, he had worked in another section.

13. Conversely, Shri Dinesh Kumar Dhiman, Executive Engineer, HPPWD, Division Nurpur (respondent) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

In the cross-examination, he admitted that when the workers had been removed from HPPWD Division, Nurpur in the year 1990, he was not working in any capacity in this Division. He also admitted that in HPPWD Nurpur the works of road repair, maintenance, patch work and widening are done continuously. He further admitted that the work increases during the monsoons. He thereafter admitted that these days the persons named in para 3 of the claim petition and in para 2 of the affidavit of the petitioner are working with HPPWD Division, Nurpur. He was not aware that when 24 workers were removed, no notice under Section 25-F was given to them. Self stated that, they had left the work of their own. He denied that a wrong mandays of the petitioner has been given.

14. Ex. RW1/B is the copy of notification dated 21st July, 1994 with regard to shift of HPPWD Division Jassur to Jawali along-with sanctioned strength and staff.

15. Ex. RW1/C is the copy of mandays chart pertaining to the petitioner.

16. From the statement made by the respondent (RW1), it can be gathered that the petitioner had worked intermittently as a daily waged beldar *w.e.f.* August, 1985

to July, 1990. The mandays chart Ex. RW1/C produced by the respondents discloses that the services of the petitioner were initially engaged in the month of September, 1985 by respondent No. 1 and that he had worked as such upto July, 1990. The version of the petitioner is that his services were wrongly and illegally terminated by respondent No. 1 in the year 1990. While denying the said fact, the respondents have pleaded that the petitioner had left the job of his own accord and free volition in the month of July, 1990.

17. It is common knowledge that abandonment has to be proved like any other fact by the employer. In **Eagle Hunter Solutions Ltd. vs. Sh. Prem Chand reported in [2019 (160) FLR 16]**, it has been held by the Hon'ble Delhi High Court that burden of proving of abandonment is upon the management. Simply because a workman fails to report for duty, it cannot be presumed that he had left/abandoned the job. There is nothing on the record to show that a notice was served upon the petitioner by the respondents calling upon him to resume the duties. Absence from duty is a serious misconduct. Admittedly, no disciplinary proceedings were initiated against the petitioner by the respondents for his alleged willful absence from duty. Thus, the plea of abandonment put forth by the respondents/employers is not established.

18. From the mandays chart, copy which is exhibited as Ex. RW1/C and the muster rolls copies of which are marked as Mark-A to Mark-G on the file, it becomes clear that the petitioner had not completed 240 days of continuous work in a block of twelve calendar months preceding the date/month of his retrenchment i.e. July, 1990 as envisaged under Section 25-B of the Act. Therefore, the provisions of Section 25-F of the Act are not attracted in this case.

19. The principle of “last come first go” is envisaged under Section 25G of the Act. The said Section provides:

**“25-G. Procedure for retrenchment.—**Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and she belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman”.

20. It is claimed by the petitioner that after the termination of his services along-with other workers, persons junior to him were re-engaged on 25-5-2010. A detail of such persons has been given in para 03 of the statement of claim by the petitioner. The petitioner while pledging his oath as PW1 has also specifically stated that after the termination of his services along-with others, persons junior to him were re-engaged. He gave a detail of such juniors in para 02 of his affidavit Ex.PW1/A, being in the shape of his examination-in-chief. While going through the pleadings and the evidence of the petitioner available on the file, it appears that persons mentioned at serial nos. 1 to 6, 9 to 12 and 14 to 24 of the tables given in the statement of claim as well as the affidavit Ex.PW1/A were initially engaged after September, 1985. On taking me through the pleadings and the evidence of the respondents available on the file, the learned vice counsel for the petitioner/claimant argued that such fact has not been disputed by the respondents. There appears to be force in the aforesaid contention raised by the learned vice counsel for the petitioner. Nowhere either in the pleadings or in the evidence, the respondents have specifically disputed or denied the

initial months/years of engagement of the said persons, whose details have been given in the statement of claim and the chief-examination of the petitioner. It was vociferously argued by the learned Deputy District Attorney for the respondents that in the absence of any seniority list on the file, the petitioner cannot claim any protection under the provisions of the Act. This contention of the learned Deputy District Attorney does not hold good to me, as it is by now well settled that admission is the best piece of evidence and the facts admitted need not be proved. As already mentioned, the respondents have not disputed the initial years of engagements of the said persons anywhere in their pleadings or the evidence. Manifest that they admitted such pleaded fact and evidence of the petitioner on record. It is there in the statement of the respondent (RW1) that the workers mentioned in para No.03 of the claim petition and in para 02 of the affidavit of the petitioner are serving HPPWD Division, Nurpur these days. Meaning thereby that such persons are still serving the respondent/department and their services were engaged after the engagement of the services of the petitioner. The month and year of engagement of Shri Puran Chand is October, 1985, whereas S/Sh. Mahashu Ram, Girdhari Lal and Ram Singh were engaged in the year 1986. S/Shri Rai Singh, Karam Chand, Ram Lal, Joginder Singh, Karam Chand s/o Shri Jaisi Ram, Dulo Ram, Som Raj, Tilak Raj s/o Shri Khajana Ram, Dev Raj, Gagan Singh, Dhian Chand, Niku Deen, Balwant Singh, Ramesh Chand and Sher Singh were engaged in the year 1987, while the month and year of engagement of Sh. Naresh Kumar is January, 1988. At the cost of reiteration, I will like to add that the month and year of initial appointment of the petitioner as per Ex.RW1/C is September, 1985. There is nothing on record to show that the above-named persons were senior to the petitioner. This indicates that persons junior to the petitioner are still serving the respondents/department. The latter had failed to adhere to the principle of 'last come first go'. Retaining the juniors at the cost of senior is nothing but unfair labour practice. There is nothing on the file to establish that at the time of re-engaging the persons junior to the petitioner, an opportunity of re-employment was afforded to him.

21. Such being the situation, I have no hesitation to conclude that the respondents and in particular respondent No. 1 has contravened the provisions of Section 25-G of the Act.

22. Faced with the situation, it was contended for the respondents that junior workers had been re-engaged in service as per the orders of the Court. There is no cogent and convincing evidence on the file to show that all the persons named in the statement of claim as well as in his affidavit Ex.PW1/A by the petitioner were re-engaged as per the orders of the Court. No doubt, the petitioner in his cross-examination has not specifically denied but merely feigned ignorance to the fact that all the workers mentioned in para No. 03 of the statement of claim and para No. 2 of the rejoinder have been re-engaged as per the orders of the Court. However, even if for the sake of arguments it is presumed that the petitioner admits such fact, to my mind that would not defeat his claim that they were junior to him.

23. Since, the provisions of Section 25-G of the Act have been contravened, it was not obligatory for the petitioner to have completed 240 days in a block of twelve calendar months preceding termination to derive benefit under this Section of the Act. For taking this view, I am guided by the judgment rendered by our own Hon'ble High Court in case titled as **State of Himachal Pradesh & Anr. Vs. Shri Partap Singh, 2017 (1) Him L.R.286.**

24. However, the petitioner's allegation that the respondents had violated the provisions of Sections 25-H and 25-N of the Act as well, to my mind, does not appear to have been substantiated. The petitioner's affidavit Ex.PW1/A as also his cross-examination as PW1 are non-existent in the names of the persons who were allegedly appointed by the respondents after his disengagement. The materials on record, thus, being too scanty and nebulous to lend assurance to his allegation that new/fresh workers were appointed after the termination of his services, the respondents cannot be said to have been proved to have violated the provisions of Section 25-H of the Act. Also, the allegation of violation of the provisions of Section 25-N of the Act cannot be said to have been established for want of plausible evidence.

25. The upshot is that in terminating the services of the petitioner, the respondents and in particular respondent No. 1 violated the provisions of Section 25-G of the Act. In other words, the termination of the services of the petitioner was unlawful.

26. The learned Deputy District Attorney for the respondents contended that there being an inordinate delay in the steps taken by the petitioner for the redressal of his grievance, his claim suffers from the vice of delay and laches, which disentitles him to the relief(s) he has prayed for. The claim as such is not maintainable. This contention, to my thinking, appears to be ill conceived. The question of delay and laches was considered by the Hon'ble Supreme Court in case titled as **Ajayab Singh vs. Sirhind Co-operative Marketing-cum-Processing Society Limited and Another, (1999) 6 SCC 82**, wherein it was *inter-alia* held:

“The provisions of Article 137 of Limitation Act, 1963 are not applicable to the proceeding under the ID Act. The relief under the ID Act cannot be denied merely on the ground of delay. The plea of delay if raised by the employer is required to be proved as a matter of fact by showing the real prejudice and not as a merely hypothetical defence. No reference to the Labour Court can be generally questioned on the ground of delay alone”.

27. In view of the aforesaid binding precedent, it cannot be said that the petition is hit by the vice of delay and laches. Of course, the delay in raising the industrial dispute by a workman can be taken into account by the Court while granting the relief(s) claimed. The observations made by our own Hon'ble High Court in case titled as **Liaq Ram vs. State of H.P. and ors., 2012 (2) Him. L.R.(FB) 580 (majority view)** will also be advantageous on this aspect of the matter.

28. In case titled as **Assistant Engineer Rajasthan Development Corporation and another vs. Geetam Singh** reported in **2013 (136) FLR 893 (SC)**, it was held by the Hon'ble Supreme Court that before exercising its judicial discretion, the Labour Court has to keep in view all relevant factors including the mode and manner of appointment, nature of employment, length of service, the ground on which termination has been set aside and the delay in raising industrial dispute before grant of relief in an industrial dispute. It was also observed that the workman had worked for 286 days and had raised industrial dispute in the year 1992, whereas his services had been terminated in the year 1986 and had raised industrial dispute after six years. It was held that though the compensation awarded by the Single Judge of the Hon'ble High Court was too low and liable to be enhanced by the Division Bench, but surely reinstatement of the workman in the facts and circumstances was not the appropriate relief and thus a lump-sum of Rs.1 lakh along-with interest @ 9% per annum had been awarded. Recently, in case titled as **Deputy Executive**

**Engineer vs. Kuberbhai Kanjibhai 2019 (160) FLR 651**, by relying upon the cases of **Bharat Sanchar Nigam Limited vs. Bhurumal (2014) 7 SCC 177** and **District Development Officer & another vs. Satish Kantilal Amerelia 2018 (156) FLR 266 (SC)**, it has been held by the Hon'ble Supreme Court that where the workman had worked as a daily wager or muster roll employee hardly for a few years and where the dispute had been raised by him almost after 15 years of his alleged termination, he was held entitled only for lump sum monetary compensation in full and final satisfaction of his claim of reinstatement and other consequential benefits. Similarly, in case titled as **State of Uttarakhand & Anr. vs. Raj Kumar, 2019 (160) FLR 791**, the Hon'ble Supreme Court has held that where a daily wager has worked for about a year and a dispute was raised by him after 25 years of the alleged termination, he had no right to claim regularization and was only entitled to lump sum monetary compensation in full and final satisfaction of his claim of reinstatement and consequential benefits. In the case on hand before this Court, the factors which have weighed are that the petitioner had worked with the respondent for 947 days as a non-skilled worker. His services, as per the reference were disengaged in the month of July, 1990 and he had raised the industrial dispute by issuance of demand notice after more than twenty three years *i.e.* demand notice was given in the year 2013. Taking into consideration the factors mentioned above and the precedents laid down by the Hon'ble Supreme Court in the aforementioned cases, the petitioner is not entitled for reinstatement or for back wages, but only for a lump sum compensation.

29. In view of the discussion and findings arrived at by me above, a lump-sum compensation of ₹1,00,000/- (Rupees one lakh only) would be an appropriate relief to which the petitioner is entitled to in the facts and circumstances of the given case. It is further made clear that the amount of compensation shall be paid within four months from the date of receipt of Award, failing which the petitioner would be entitled to interest @ 6% per annum from date of Award till its realization. Issues No. 1 and 2 are answered partly in the affirmative and accordingly decided in favour of the petitioner, while issue No. 4 is answered in the negative and decided against the respondents.

*Issue No. 3 :*

30. It has not been shown by the respondents as to how the present petition/statement of claim is not maintainable. Moreover, this issue was not pressed for by the learned Deputy District Attorney appearing for the respondents at the time of arguments. Otherwise also, from the pleadings and evidence on record, it cannot be said that the petition/statement of claim is not maintainable. Hence, this issue is answered in the negative and against the respondents.

*Relief :*

31. In the light of what has been discussed hereinabove while recording the findings on issues supra, the respondents are hereby directed to pay a compensation of ₹1,00,000/- (Rupees one lakh only) to the petitioner in lieu of the reinstatement, back wages, seniority and past service benefits. Amount of compensation so awarded shall be paid by the respondents to the petitioner within four months from the date of receipt of Award failing which the respondents shall be liable to pay interest @ 6% per annum on the said amount from the date of award till realization/deposit of the amount. In the peculiar facts and circumstances of the case, the parties are left to bear their own costs. The reference is answered in the aforesaid terms. A copy of

this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 2nd day of September, 2020.

Sd/-

(YOGESH JASWAL),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

**IN THE COURT OF SHRI YOGESH JASWAL, PRESIDING JUDGE, LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL, KANGRA AT DHARAMSHALA (H.P.)**

Ref. No. : 330/2015

Date of Institution : 04.8.2015

Date of Decision : 26.9.2020

Shri Narender Kumar s/o Shri Prem Singh, r/o V.P.O. Behli, Tehsil Nehari,  
District Mandi, H.P. .Petitioner.

*Versus*

The Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District  
Mandi, H.P. .Respondent.

**Reference under Section 10 (1) of the Industrial Disputes Act, 1947**

For the Petitioner : Sh. S. S. Sippy, AR

For the Respondent : Sh. Anil Sharma, Dy. D.A.

**AWARD**

The below given reference has been received from the appropriate Government for adjudication:

“Whether time to time termination of the services of Shri Narender Kumar s/o Shri Prem Singh, r/o V.P.O. Behli, Tehsil Nehari, District Mandi, H.P. during March, 2008 to June, 2011 and finally during July, 2011 by the Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi, H.P., without complying the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above worker is entitled to from the above employer?”

2. In furtherance to the reference it is averred by the petitioner in the statement of claim that he was engaged as a daily waged forest worker by the respondent in Behli Beat, Forest Range Kangoo in the month of March, 2000 and that he had worked regularly till the Month of July, 2011. His services were orally terminated by the respondent without any notice and reason on 31-7-2011. No seniority list of the petitioner has been prepared. From the month of March, 2008 upto June, 2011, he had been given breaks, which amounts to unfair labour practice. Juniors to him were engaged by the respondent. He had worked for more than 240 days in the years 2009 and 2010. The respondent had violated the provisions of Sections 25-B, 25-F (a), 25-F (b), 25-G and 25-H of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act' for short). The principle of 'last come first go' was not adhered to by the respondent. The petitioner, thus, prays for his re-engagement with all consequential benefits.

3. On notice, the respondent appeared. He filed a reply taking preliminary objections regarding lack of maintainability, that the petitioner has worked after July, 2011 in the department, so the question of final termination does not arise and that the claim petition is in-fructuous. The contents of the petition were denied on merits. It was claimed that the petitioner was initially engaged to carry out seasonal forestry works in the month of March, 2000. He has worked intermittently with the department till date. His services had never been terminated by the respondent. No artificial breaks were given to him by the respondent. The petitioner has been coming to work of his own sweet will. He has not completed 240 days in any calendar year and as such there was no violation of the provisions of Section 25-F of the Act. The respondent has complied with the principle of 'First come last go'. The petitioner is gainfully employed, being an agriculturist. The respondent, thus, prays for the dismissal of the claimpetition.

4. While filing the rejoinder the petitioner controverted the averments made in the reply and reiterated those in the statement of claim.

5. Out of the pleadings of the parties, the following issues were settled for determination and adjudication by this Court vide order dated 30-3-2016:

1. Whether time to time termination of the services of petitioner during March, 2008 to June, 2011 by the respondent is illegal and unjustified as alleged? . .OPP.
2. Whether final termination of services of the petitioner by the respondent during July, 2011 is illegal and unjustified as alleged? . .OPP.
3. If issues No. 1 & issue No. 2 or both are proved in affirmative to what relief petitioner is entitled to? . .OPP.
4. Whether the present claim petition/reference is not maintainable in the present form as alleged? . .OPR.
5. Whether the claim petition has become in fructuous as alleged. If so, its effect? . .OPR.

Relief.

6. Thereafter, the parties to the lis were directed to adduce evidence in support of the issues so framed.

7. Arguments of the learned Authorized Representative for the petitioner and the learned Deputy District Attorney for the respondent heard and records gone through.

8. For the reasons to be recorded hereinafter while discussing the issues for determination, my findings thereon are as under:

Issue No. 1	: Negative
Issue No. 2	: Negative
Issue No. 3	: Negative
Issue No. 4	: Affirmative
Issue No. 5	: Not pressed
Issue No. 6 (Relief)	: Petition is dismissed per operative part of the Award.

### **REASONS FOR FINDINGS**

*Issues No. 1 to 4 :*

9. All these issues are intrinsically connected with each other and required common appreciation of evidence, hence are taken together for the purpose of determination and adjudication.

10. The petitioner, namely, Shri Narender Kumar examined himself as PW1 and filed his affidavit in evidence, which is exhibited as Ex. PW1/A. In his affidavit, he reiterated the contents of his statement of claim. He also filed certain documents purportedly in support of his claim, which are marked as Ex. PW1/B and Mark-A.

In the cross-examination, he denied that seasonal work is done in the department. He also denied that as per the availability of work and funds, the work is carried out in the department. Further, he denied that he had not worked regularly with the department from the month of March, 2000. He also denied that he had not worked for 240 days or more in any calendar year. He admitted that he (petitioner) is presently working in the department. Volunteered that, the department takes the work intermittently. He owns land, which he cultivates. He is doing the days' drudgery privately, but occasionally. He clearly admitted that he was engaged for seasonal work. He further admitted that as and when the work is available, he is called. He denied that the department had never given him fictional breaks. Further, he denied that the department has not violated the principle of 'last come first go'. He also denied that no junior to him has been kept at work by the department. He denied that he is making a phoney statement.

11. Conversely, Shri Subhash Chand Divisional Forest Officer, Suket Forest Division, Sunder Nagar, District Mandi (respondent) testified as RW1. In his affidavit Ex. RW1/A preferred as per Order 18 Rule 4 of the Code of Civil Procedure, he corroborated on oath the contents of the reply filed by him.

In the cross-examination, he denied that the petitioner was engaged in the year 2000. Volunteered that, he was kept at work in the year 2008. He denied that the petitioner was terminated in the year 2011. Self stated that, thereafter also the petitioner had worked in the years 2014 and 2015. The name of the petitioner is not there in the seniority list. He denied that the petitioner was terminated time and again. Further he denied that the persons named in Ex.PW1/A are junior to the petitioner. He denied that the petitioner had wrongly been terminated by the department.

12. Ex. RW1/B is the copy of mandays chart relating to the petitioner.

13. It is the admitted case of the parties that the services of the petitioner were engaged by the respondent/department. The mandays chart Ex.RW1/B unfolds that the petitioner was initially employed in the month of March, 2008 by the respondent. Although, the petitioner has claimed that his services were engaged as a daily wager by the respondent in the month of March, 2000, but he has not placed on record any document in this regard.

14. The defence of the respondent is that the petitioner was engaged for seasonal work, as and when available with the respondent and subject to the availability of budget. However, the respondent has not placed on the file any document evidencing that the petitioner was engaged for seasonal forestry works subject to the availability of funds and the work. Although, the petitioner in his cross-examination categorically admitted that he had been engaged for seasonal work and that as and when the work was available, he was being called but, however, the mandays chart Ex.RW1/B reveals that for two years the petitioner had worked for more than 200 days with the respondent/department. In the year 2009, he had served the respondent for 223 days and in the year 2010, he had worked for 237 days. A person working for more than 200 days in a year cannot be termed as a seasonal worker. Even otherwise, it is nowhere the plea taken by the respondent nor there is any iota of evidence on record to show that the forest department has been declared as a seasonal industry, as required under the law.

15. The version of the petitioner is that from the month of March, 2008 to June, 2011, artificial/fictional breaks in service were provided to him by the respondent. His services were wrongly and illegally terminated by the respondent in the month of July, 2011.

16. While denying the said facts, the respondent has pleaded that the petitioner was only a casual/seasonal worker, who used to work intermittently as per his sweet will and convenience. No intentional breaks in service were provided to the petitioner at any point of time. He is still working with the respondent/department. His services were never finally terminated as alleged.

17. Firstly, I proceed to decide as to whether fictional breaks in service were given to the petitioner by the respondent as alleged?

18. Ex.RW1/B is the mandays chart relating to the petitioner. Its perusal discloses that the petitioner had worked under the respondent from the month of March, 2008 to December, 2015.

19. If intentional breaks in service were being provided to the petitioner by the respondent time and again as alleged, then why he (petitioner) did not agitate the said

fact earlier or at the time of the receipt of the payments for the working days actually put in by him? Ex.RW1/B unfolds that in the year 2011, the petitioner worked under the respondent for 62 days. A person not working for a single day or for less than 100 days in the whole year cannot be permitted to countenance that artificial/fictional breaks were provided to him by the respondent/employer wrongly and illegally. The fact that the petitioner remained tight lipped and complacent about his right for more than three years as well as received the payments without any protest speaks volumes about the truthfulness and veracity of his claim. Moreover, a glance at the mandays chart Ex.RW1/B would reveal that for most of the months for which the petitioner had worked with the respondent, he was granted the muster rolls for almost the entire month. To my mind, a false plea of intentional breaks has been put forth by the petitioner so as to derive the benefits of regular employee with a malafide intention and ulterior motive. No artificial/fictional breaks were given to the petitioner by the respondent during the course of his employment.

20. Now comes the question as to whether in the month of July, 2011 the services of the petitioner were finally terminated by the respondent or not?

21. In the reply, the respondent has pleaded that the petitioner is still serving the respondent and that his services were never terminated during the month of July, 2011, as claimed in the reference. During the cross-examination, the petitioner (PW1) admitted that he is still serving the respondent.

22. There is no denial of the fact that the petitioner as per his pleadings and also in his chief-examination has claimed that his services stood finally terminated by the respondent in the month of July, 2011. However, it is equally settled that admission is the best piece of evidence and the facts admitted need not be proved. As already mentioned, the petitioner (PW1) has categorically admitted that he is still serving the respondent. A look at the mandays chart Ex.RW1/B, which is not disputed by the petitioner, also reveals that the petitioner had worked for 91 and 237 days in the years 2014 and 2015 respectively. Since, the petitioner had worked with the respondent after July, 2011 and as per his own admission is still working with the respondent, by no stretch of imagination it can be said that his services were ever terminated by the respondent in contravention of the provisions of the Act. It appears that the petitioner is not speaking the truth. His services were never finally terminated by the respondent in the month of July, 2011, as alleged. As no retrenchment order was passed by the respondent in the month of July, 2011, it cannot be said that the termination/retrenchment order is illegal and unjustified.

23. Such being the situation, I have no hesitation to conclude that the services of the petitioner were not finally terminated by the respondent in July, 2011. The claim petition is not maintainable. The petitioner is not entitled to any relief.

24. Issues No. 1 to 3 are accordingly answered in the negative and decided against the petitioner, while issue No.4 is answered in the affirmative and decided in favour of the respondent.

*Issue No. 5 :*

25. Not pressed.

*Relief :*

26. In the light of what has been discussed hereinabove, while recording the findings on issues *supra*, the present claim petition merits dismissal and is accordingly dismissed, with no order as to costs. The reference is answered in the aforesaid terms. A copy of this Award be sent to the appropriate Government for publication in the official gazette and the file after due completion be consigned to the Record Room.

Announced in the open Court today this 26th day of September, 2020.

Sd/-

(YOGESH JASWAL),  
*Presiding Judge,*  
*Labour Court-cum-Industrial Tribunal,*  
*Kangra at Dharamshala, H.P.*

### **HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171001**

#### **NOTIFICATION**

*Shimla, the 5th February, 2021*

**No. HHC/Admn.3(263)/88-I.**—05 days earned leave on and *w.e.f.* 22-02-2021 to 26-02-2021 with permission to prefix Sundays and 2nd batch of Special Casual leave commencing from 31-01-2021 to 21-02-2021 and suffix Gazetted holiday and Sunday falling on 27th & 28th February, 2021 is hereby sanctioned in favour of Smt. Neelam Sharma, Court Master of this Registry.

Certified that Smt. Neelam Sharma is likely to join the same post and at the same station from where she proceeds on leave after the expiry of the above leave period.

Certified that Smt. Neelam Sharma would have continued to officiate the same post of Court Master but for her proceeding on leave.

By order,  
Sd/-  
*Registrar General.*

### **HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171001**

#### **NOTIFICATION**

*Shimla, the 10th February, 2021*

**No.HHC/ Estt.3(506)/2000-I.**—03 days commuted leave *w.e.f.* 20-01-2021 to 22-01-2021 is hereby sanctioned, *ex-post-facto*, in favour of Shri Subhash Chauhan, Assistant Registrar of this Registry.

Certified that Shri Subhash Chauhan has joined the same post and at the same station from where he had proceeded on leave after the expiry of the above leave period.

Certified that Shri Subhash Chauhan would have continued to officiate the same post of Assistant Registrar but for his proceeding on leave.

By order,  
Sd/-  
*Registrar General.*

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## HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171001

### NOTIFICATION

*Shimla, the 7th January, 2021*

**No. HHC/15-54/Jus/Accts/2021.**—It is hereby notified that pursuant to Notification No. K.13020/03/2020- US.II dated 31st December, 2020, issued by the Government of India, Ministry of Law and Justice (Department of Justice), New Delhi, Hon'ble Mr. Justice Ravi Vijaykumar Malimath, Judge of the Uttarakhand High Court has assumed the charge of the office of the Judge of the High Court of Himachal Pradesh on 07-01-2021 (Forenoon).

By order,  
(Virender Singh)  
*Registrar General.*

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## HIGH COURT OF HIMACHAL PRADESH, SHIMLA – 171001

### NOTIFICATION

*Shimla, the 4th January, 2021*

**No.HHC/GAZ/14-58/75-XIV.**—The result of 73rd Departmental Examination of the Civil Judges (Members of the Himachal Pradesh Judicial Service) held in July, 2020 is hereby published for information of all concerned as required under Rule 2 read with Rule 18 of the Himachal Pradesh Judicial Service Rules, 2004 and Regulation 17(xi) of the Himachal Pradesh Judicial Service (Departmental Examination) Regulations, 2004.

By order,  
Sd/-  
*Registrar (Vigilance).*

**RESULT OF 73rd DEPARTMENTAL EXAMINATION FOR THE CIVIL JUDGE HELD IN  
THE MONTH OF JULY, 2020**

**NOTE:** 'WITH CREDIT (WC)' means passed by obtaining  $\frac{3}{4}$ th of the maximum marks:  
 'HIGHER STANDARD(HS)' means passed by obtaining  $\frac{2}{3}$  rd of the maximum marks:  
 'LOW STANDARD (LS)' means passed in the lower standard by obtaining 50% marks.

Sl. No.	Name of the Officer	Roll No.	Group A-1 Criminal Law (120 marks)	Group A- II Civil Law (120 marks)	Group-B Revenue Law-I & Revenue Law- II(120 marks each) 240 marks	Group-C Accounts (160 marks)	Group-D Constitu- tional Law (100 marks)
1	2	3	4	5	6	7	8
1.	Ms. Shweta Narula	901	110 WC				-
2.	Sh.Sumit Thakur	902	-				69 HS
3.	Sh. Vikas Kapoor	903		83 HS		159 WC	-
4.	Ms. Chunauti Sagroli	904	103 WC	88.5 HS	104+99.5=203.5 WC	157 WC	75 WC
5.	Ms. Parveen Lata	905	88 HS	88.5 HS	103+104.5=207.5 WC	144 WC	76 WC
6.	Ms.Divya Sharma	906	85 HS	90.5 WC	96+100=196 WC	127 WC	75 WC
7.	Sh.Shavik Ghai	907	90 WC	90 WC	92+99.5=191.5 WC	126 WC	73 HS
8.	Ms.Anulekha Tanwar	908	108 WC	99WC	89+104=193 WC	140 WC	77 WC
9.	Ms. Megha Sharma	909	114 WC	93 WC	94+97=191 WC	155 WC	68 HS
10.	Ms.Sheetal Gupta	910	119 WC	95 WC	107+86=193 WC	137 WC	70 HS
11.	Ms.Ritu Sinha	911	105 WC	88.5 HS	104+90=194 WC	116 HS	67 HS
12.	Ms.Sharuti Bansal	912	100 WC	82 HS	93+94.5=187.5 WC	151 WC	67 HS
13.	Ms.Priyanka Devi	913	82 HS	82 HS	84+99.5=183.5 WC	147 WC	69 HS

Sd/-  
 (Poonam Mahajan)  
*Registrar (Establishment)*  
*Departmental Examination Committee.*

Sd/-  
 (Dr. Baldev Singh)  
*Registrar (Vigilance)/Secretary*  
*Departmental Examination Committee.*

**लोक निर्माण विभाग**

अधिसूचना

शिमला—2, 04 मार्च, 2021

**सं0 पी0बी0डब्ल्यू0(बी0)एफ(5)8 / 2020.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार को सरकारी व्यय पर सार्वजनिक प्रयोजन हेतु गांव जलाड़ी भड़यारा, तहसील नादौन, जिला हमीरपुर, हिमाचल प्रदेश में नादौन सुजानपुर वाया बड़ा सड़क के निर्माण हेतु भूमि अर्जित करनी अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिक्षेत्र में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है, उपरोक्त प्रयोजन के लिए भूमि का अर्जन अपेक्षित है।**

2. यह घोषणा, भूमि अर्जन, पुनर्वास और पुनर्व्यवस्थापन में उचित प्रतिकर और पारदर्शिता अधिकार अधिनियम, 2013 (2013 का 30) की धारा-19 के उपबन्धों के अधीन इससे सम्बन्धित सभी व्यक्तियों को सूचना हेतु की जाती है तथा उक्त अधिनियम की धारा-19 के अधीन भू-अर्जन समाहर्ता, (मण्डी क्षेत्र) मण्डी, जिला मण्डी, हिमाचल प्रदेश को उक्त भूमि के अर्जन करने के आदेश लेने का एतदद्वारा निदेश दिया जाता है।

3. भूमि रेखांक का निरीक्षण भू-अर्जन समाहर्ता, (मण्डी क्षेत्र) मण्डी, जिला मण्डी, हिमाचल प्रदेश के कार्यालय में किया जा सकता है।

### विवरणी

जिला	तहसील	गांव	खसरा नम्बर	क्षेत्र (है0 में)
हमीरपुर	नादौन	जलाड़ी भड़यारा	70	00-03-34
		कुल जोड़. .	कित्ता . . 1	00-03-34

आदेश द्वारा,  
हस्ताक्षरित /—  
अतिऽ0 मुख्य सचिव,  
(लोक निर्माण)।

## INFORMATION & PUBLIC RELATIONS DEPARTMENT

### NOTIFICATION

Shimla-2, 4th March, 2021

**No. Pub-B(1)-6/2018.**—The Governor, Himachal Pradesh is pleased to order the creation of one post of District Public Relations Officer/Information Officer in the Pay Band of ₹10300—34800 + ₹5400 Grade Pay for District Lahaul and Spiti.

The Governor, Himachal Pradesh is further pleased to order filling up of this newly created post of District Public Relations Officer/Information Officer through Direct recruitment on contract basis subject to completion of all codal formalities procedurally in advance.

By order,  
Sd/-  
JAGDISH CHANDER SHARMA,  
*Additional Chief Secretary (I&PR).*

**OFFICE OF THE DISTRICT MAGISTRATE, LAHAUL & SPITI AT KEYLONG****ORDER***Dated, the 8th March, 2021*

**No.D-157-124/Reader.**—Whereas with the opening of Atal Tunnel, Rohtang, the influx of tourists in the valley is on the rise and it is expected to increase exponentially during the upcoming tourist season.

**And whereas**, owing to increase in movement of vehicles in a particular day, there is a possibility of traffic snarl at various locations which may cause great inconvenience to the public at large.

**And whereas** under the changed circumstances, there is urgent and imminent need to devise a mechanism for smooth and seamless movement of traffic between North Portal and Koksar.

**Therefore**, in exercise of the powers vested in me vide notification dated 3rd June, 2001 read with Section 115 & 116 of the Motor Vehicle Act, 1988, I, Pankaj Rai, IAS, District Magistrate, Lahaul & Spiti do hereby order that no vehicle shall be allowed to move towards Koksar without a permit duly issued by Sub-Divisional Magistrate, Keylong as traffic movement of vehicles coming from Manali by Rohtang Pass will be one way from Rohtang to North Portal and further towards Manali. If any person(s) has/have any objections in respect of this draft notification, they may file their written objections/suggestion in the office of under signed within one month from the date of publication of this draft notification. The objection, if any received during this period will be considered by the undersigned and draft notification will be finalized accordingly. Further if no objection is received during the said period the notification deemed to have been finalized.

This order shall apply to all vehicles excluding Ambulances/Fire Service Vehicle/Govt. Vehicles.

By order,

Sd/-  
 (PANKAJ RAJ), IAS  
*District Magistrate,  
 Lahaul & Spiti at Keylong.*

**OFFICE OF THE DISTRICT MAGISTRATE, LAHAUL & SPITI AT KEYLONG****ORDER***Dated, the 1st February, 2021*

**No. D-157-76/Reader.**—Whereas with the opening of Atal Tunnel, Rohtang, the influx of tourists in the valley is on the rise and it is expected to increase exponentially during the upcoming tourist season.

And whereas the tourist entering the valley will also like to visit District Headquarter, Keylong during their sojourn.

And whereas, the width of the road from Durga Mata Temple and Shakas Nala is quite narrow and two way traffic on this stretch will amount to traffic snarl.

And whereas, Sub-Divisional Magistrate, Keylong has also recommended “One Way Traffic” All the aforesaid stretch in order to avoid traffic congestion which may cause unnecessary public nuisance.

And whereas, it is essential, vital and expedient for ensuring smooth flow of traffic through the aforesaid stretch, to prevent any kind of inconvenience to the tourists as well as to the local residents and in particular to the emergency vehicles like Ambulances and Fire Tenders.

Therefore, in exercise of the powers vested in me vide notification dated 3rd June, 2001 read with Section 115 of the Motor Vehicle Act, 1988, I, Pankaj Rai, IAS, District Magistrate, Lahaul & Spiti do hereby notify that the road starting from Durga Mata Temple to Shakas Nala as No Parking Zone and same is also notified to be used as One Way Traffic for smooth flow of traffic from 9.00AM to 9.00 PM with effect from 1st April to 30th November every year. The period with effect from 1st December to 31st March is exempted from the above Said traffic regulations owing to low volume of traffic during this period. Besides, the loading and unloading shall be operational) from 9.00 PM to 9.00 AM on daily basis. If any person (s) has/have any objections in respect of this draft notification, they may file their written objections/suggestion in the office of undersigned within one month from the date of publication of this draft notification. The objection, if any received during this period will be considered by the undersigned and draft notification will be finalized accordingly. Further if no objection is received during the said period the notification deemed to have been finalized.

This order shall apply to all vehicles excluding Ambulances/Fire Service Vehicle.

By order,  
Sd/-  
(PANKAJ RAI), IAS  
*District Magistrate,  
Lahaul & Spiti at Keylong.*

ब अदालत श्री सुभाष गौतम, उप—मण्डल अधिकारी (नागरिक), श्री नैना देवी जी स्थित स्वारघाट,  
जिला बिलासपुर, हिमाचल प्रदेश

श्री धीरज कुमार पुत्र श्री प्रेम चन्द, गांव जन्डोरी, डाकघर तरसूह, ग्राम पंचायत रोड—जामन, तहसील श्री नैना देवी जी, जिला बिलासपुर, हिमाचल प्रदेश।

बनाम

1. आम जनता,
2. प्रधान, ग्राम पंचायत रोड—जामन, तहसील श्री नैना देवी जी स्थित स्वारघाट, जिला बिलासपुर

विषय.—प्रार्थी की पुत्री का नाम व जन्म तिथि ग्राम पंचायत रोड—जामन के जन्म पंजीकरण रजिस्टर में दर्ज करवाए जाने बारे कि अधीन धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म पंजीकरण करने बारे।

हर खास व आम जनता को बजरिया इश्तहार सूचित किया जाता है कि प्रार्थी श्री धीरज कुमार ने अधोहस्ताक्षरी के न्यायालय में एक आवेदन—पत्र प्रस्तुत किया है कि उसने अपनी बेटी का नाम व जन्म तिथि ग्राम पंचायत रोड—जामन के जन्म पंजीकरण रजिस्टर में दर्ज नहीं करवाया है। अब प्रार्थी अपनी बेटी का नाम व जन्म तिथि ग्राम पंचायत रोड—जामन के जन्म पंजीकरण रजिस्टर में दर्ज करवाना चाहता है जो कि इस प्रकार से है:—

क्र0 सं0	नाम	सम्बन्ध	जन्म तारीख
1.	लक्ष्मी देवी	पुत्री	07-11-2018

अतः ग्राम पंचायत रोड—जामन, तहसील श्री नैना देवी जी स्थित स्वारघाट की जनता को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी व्यक्ति को उपरोक्त जन्म पंजीकरण बारे कोई आपत्ति हो तो वह तारीख 24-03-2021 को या इससे पूर्व असालतन व वकालतन हाजिर अदालत आकर अपनी आपत्ति प्रस्तुत करे अन्यथा आवेदन—पत्र पर जन्म पंजीकरण आदेश पारित करके सचिव, ग्राम पंचायत रोड—जामन को आगामी कार्यान्वयन हेतु भेज दिया जाएगा।

आज तारीख 24-02-2021 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी किया गया।

मोहर।

सुभाष गौतम (हि0प्र0से0),  
उप—मण्डल अधिकारी (नागरिक), श्री नैना देवी जी स्थित स्वारघाट,  
जिला बिलासपुर (हि0 प्र0)।

ब अदालत कार्यकारी दण्डाधिकारी, निरमण्ड, तहसील निरमण्ड, जिला कुल्लू (हि0 प्र0)

मुकद्दमा नं0 /2021

देविता कुमारी पुत्री बाल कृष्ण, निवासी अवेरा, फाटी निरमण्ड, तहसील निरमण्ड, जिला कुल्लू (हि0प्र0) वादिया।

बनाम

आम जनता

प्रतिवादी।

उनवान मुकद्दमा.—प्रार्थना—पत्र जेर धारा 13(3) जन्म व मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

इस कार्यालय में देविता कुमारी पुत्री बाल कृष्ण, निवासी अवेरा, फाटी निरमण्ड, तहसील निरमण्ड, जिला कुल्लू (हि0प्र0) ने उक्त अधिनियम के अन्तर्गत प्रार्थना—पत्र गुजार कर निवेदन किया है कि उसका जन्म दिनांक 18-09-1986 को गांव अवेरा, ग्राम पंचायत निरमण्ड में हुआ है। अज्ञानता के कारण व इलाकागैर रहने से निश्चित अवधि में इसका नाम व जन्म तिथि दर्ज नहीं कर सकी है। जिस विषय उसने अपना व्यान हल्किया भी प्रस्तुत किया है। सायला ने ग्राम पंचायत निरमण्ड में उसके परिवार रजिस्टर में अपना नाम व जन्म तिथि दर्ज करने का अनुरोध किया है।

इस इश्तहार द्वारा आम जनता को सूचित किया जाता है कि यदि किसी भी व्यक्ति को देविता कुमारी पुत्री बाल कृष्ण का नाम व जन्म तिथि ग्राम पंचायत निरमण्ड में दर्ज करने के लिए एतराज हो तो वह दिनांक 22-03-2021 तक हमारे कार्यालय में हाजिर होकर लिखित व मौखिक एतराज प्रस्तुत करे उक्त तारीख के बाद कोई भी एतराज मान्य नहीं होगा और समझा जाएगा कि उक्त नाम व जन्म तिथि ग्राम पंचायत में दर्ज करने बारे किसी का कोई एतराज नहीं है। तथा सचिव, ग्राम पंचायत निरमण्ड को पंजीकृत नाम व जन्म तिथि दर्ज करने के आदेश पारित किया जाएगा।

आज दिनांक 22-02-2021 को हमारे हस्ताक्षर व मोहर अदालत से जारी हुआ।

मोहर।

हस्ताक्षरित /—  
कार्यकारी दण्डाधिकारी निरमण्ड,  
तहसील निरमण्ड, जिला कुल्लू (हिं0 प्र0)।

**In the Court of Sub-Divisional Magistrate-cum-Marriage Officer Manali,  
District Kullu (H.P.)**

In the matter of :

Sh. Vipin age 25 years s/o Late Sh. Jagat Ram, r/o Village Mansari, P.O. Haripur, Tehsil Manali, District Kullu (H.P.).

Varsha Beas aged 27 years d/o Sh. Ganga Ram, r/o Village & P.O. Burua, Tehsil Manali, Distt. Kullu (H.P.).

*Versus*

General Public

*An application for registration of marriage under Special Marriage Act, 1954.*

Whereas Sh. Vipin age 25 years s/o Late Sh. Jagat Ram, r/o Village Mansari, P.O. Haripur, Tehsil Manali, District Kullu (H.P.) and Varsha Beas aged 27 years d/o Sh. Ganga Ram, r/o Village & P.O. Burua, Tehsil Manali, Distt. Kullu (H.P.) has presented an application on 22-02-2021 in this court for the registration of marriage under Special Marriage Act, 1954. Hence this proclamation is hereby issued for the information of general public that if any person has any objection for the registration of the above marriage can appear in this court on 22-03-2021 at to object registration of above marriage personally or through an authorized agent failing which this marriage will be registered under this Act, 1954 accordingly.

Given under my hand and seal of the court on 24th day of February, 2021.

Seal.

Sd/-

*Special Marriage Officer-cum-Sub-Divisional Magistrate,  
Manali, District Kullu (H.P.).*

**ब अदालत श्री रमेश चन्द, सहायक समाहर्ता द्वितीय श्रेणी, उप-तहसील मकरीड़ी,  
जिला मण्डी (हि० प्र०)**

मिसल नं० : 2

दिनांक मजरूआ : 15-02-2021

पेशी दिनांक : 15-03-2021

मुकद्दमा इन्द्राज : सेहत नामा

श्री संजय कुमार पुत्र श्री भेखा राम, निवासी नेरी कोटला, डाकघर चिम्हणु, उप-तहसील मकरीड़ी, जिला मण्डी (हि० प्र०) प्रार्थी।

बनाम

आम जनता

फरीकदोयम।

प्रार्थना—पत्र U/S 35 ता 37 हि० प्र० भू—राजस्व अधिनियम, 1954 के अन्तर्गत बाबत नाम दुरुस्ती बारे।

श्री संजय कुमार पुत्र श्री भेखा राम, निवासी नेरी कोटला, डाकघर चिम्हणु, उप-तहसील मकरीड़ी, जिला मण्डी (हि० प्र०) ने शपथ—पत्र सहित आवेदन किया है कि प्रार्थी के पिता का वास्तविक नाम भेखा राम है परन्तु प्रार्थी का नाम राजस्व अभिलेख महाल नेरी कोटला/226 व महाल आल/229 में भेखा पुत्र बेलिया दर्ज हो चुका है दर्ज हो चुका है जोकि गलत दर्ज कागजात माल है। अब प्रार्थी ने अपने पिता का नाम भेखा पुत्र बेलिया के स्थान पर भेखा राम पुत्र बेलिया की दुरुस्ती करने के आदेश चाहे हैं।

अतः इश्तहार के माध्यम से सर्वसाधारण को सूचित किया जाता है कि यदि किसी व्यक्ति को राजस्व अभिलेख महाल नेरी कोटला/226 व महाल आल/229 में प्रार्थी के पिता का नाम भेखा पुत्र बेलिया के स्थान पर भेखा राम पुत्र बेलिया की दुरुस्ती करने बारे कोई उजर/एतराज हो तो वह असालतन/वकालतन तारीख पेशी दिनांक 15-03-2021 को प्रातः 10.00 बजे इस अदालत में हाजिर होकर अपना उजर/एतराज पेश कर सकते हैं। बसूरत गैरहाजिरी एकतरफा कार्यवाही अमल में लाई जा करके नाम दुरुस्ती दर्ज करने के आदेश पारित कर दिये जाएंगे।

यह इश्तहार आज दिनांक 15-02-2021 को मेरे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ है।

मोहर।

हस्ताक्षरित/—  
सहायक समाहर्ता द्वितीय श्रेणी,  
उप-तहसील मकरीड़ी, जिला मण्डी (हि० प्र०)।

**ब अदालत सहायक समाहर्ता प्रथम श्रेणी, तहसील बालीचौकी, जिला मण्डी (हि० प्र०)**

मिसल नम्बर : 01-ठी/22-02-2021

श्रीमती माधी देवी उर्फ डोलमा पल्ली श्री जोगिन्द्र सिंह, निवासी गांव पाणू डाकघर खुहण, तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

बनाम

आम जनता

विषय.—राजस्व रिकार्ड में नाम दुरुस्ती बारे आवेदन—पत्र।

श्रीमती माधी देवी उर्फ डोलमा पत्नी श्री जोगिन्द्र सिंह, निवासी गांव पाणू डाकघर खुहण, तहसील बालीचौकी, जिला मण्डी (हि० प्र०) ने एक आवेदन—पत्र मय शपथ—पत्र इस आशय के साथ गुजारा है कि उसका नाम ग्राम पंचायत खलवाहण के रिकार्ड में माधी देवी उर्फ डोलमा दर्ज है। जो उसका सही नाम है। परन्तु राजस्व रिकार्ड के महाल खुहण में गलती से केवल डोलमा ही दर्ज हुआ है। अब राजस्व रिकार्ड में माधी देवी उर्फ डोलमा दर्ज करवाना चाहती है।

अतः इस इश्तहार द्वारा सर्वसाधारण जनता व हितबद्ध व्यक्तियों को सूचित किया जाता है कि उपरोक्त नाम को दुरुस्त करने बारे किसी भी व्यक्ति को कोई आपत्ति हो तो वह दिनांक 30-03-2021 या इससे पूर्व अधोहस्ताक्षरी के समक्ष असालतन या वकालतन उपस्थित होकर अपनी आपत्ति दर्ज कर सकता है। इसके पश्चात् कोई भी एतराज काबिले समायत नहीं होगा तथा आवेदन—पत्र पर नियमानुसार कार्यवाही अमल में लाई जाएगी।

आज दिनांक 25-02-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित /—  
सहायक समाहर्ता प्रथम श्रेणी,  
तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

### ब अदालत कार्यकारी दण्डाधिकारी, तहसील बालीचौकी, जिला मण्डी (हि० प्र०)

मिसल नम्बर : 02-टी / 22-02-2021.

श्री पुने राम पुत्र श्री भादरु, निवासी गांव टिककी, डाकघर खलवाहण, तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

बनाम

आम जनता

विषय.—जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 की धारा 13(3) के अन्तर्गत जन्म तिथि दर्ज करने वारे।

श्री पुने राम पुत्र श्री भादरु, निवासी गांव टिककी, डाकघर खलवाहण, तहसील बालीचौकी, जिला मण्डी (हि० प्र०) ने एक आवेदन पत्र मय शपथ पत्र इस आशय के साथ गुजारा है कि उसके पौत्र ध्रुव कुमार का जन्म 02-02-2019 को हुआ है। परन्तु उक्त जन्म तिथि ग्राम पंचायत बूंग जहलगाड के रिकार्ड में दर्ज नहीं है। अब दर्ज करवाना चाहता है।

अतः इस इश्तहार द्वारा सर्वसाधारण जनता व हितबद्ध व्यक्तियों को सूचित किया जाता है कि जन्म तिथि दर्ज करने वारे किसी भी व्यक्ति को कोई आपत्ति हो तो वह दिनांक 25-03-2021 को या इससे पूर्व अधोहस्ताक्षरी के समक्ष असालतन या वकालतन उपस्थित होकर अपनी आपत्ति दर्ज कर सकता है। इसके उपरान्त कोई भी एतराज काबिले समायत नहीं होगा तथा आवेदन—पत्र पर नियमानुसार कार्यवाही अमल में लाई जाएगी।

आज दिनांक 25-02-2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित /—  
कार्यकारी दण्डाधिकारी,  
तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

मिसल नम्बर : 03—ठी / 23—02—2021

श्री जय राम पुत्र श्री दुधी, निवासी गांव खलाओ, डाकघर व तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

बनाम

आम जनता

विषय.—राजस्व रिकार्ड में नाम दुरुस्ती बारे आवेदन—पत्र ।

श्री जय राम पुत्र श्री दुधी, निवासी गांव खलाओ, डाकघर व तहसील बालीचौकी, जिला मण्डी (हि० प्र०) ने एक आवेदन—पत्र मय शपथ—पत्र इस आशय के साथ गुजारा है कि उसका नाम ग्राम पंचायत देवधार के रिकार्ड में जय राम उर्फ जगत राम दर्ज है। जो उसका सही नाम है। परन्तु राजस्व रिकार्ड में गलती से केवल जय राम ही दर्ज हुआ है। अब राजस्व रिकार्ड में जय राम उर्फ जगत राम दर्ज करवाना चाहता है।

अतः इस इश्तहार द्वारा सर्वसाधारण जनता व हितबद्ध व्यक्तियों को सूचित किया जाता है कि उक्त नाम को दुरुस्त करने बारे किसी भी व्यक्ति को कोई आपत्ति हो तो वह दिनांक 30—03—2021 या इससे पूर्व अधोहस्ताक्षरी के समक्ष असालतन या वकालतन उपस्थित होकर अपनी आपत्ति दर्ज कर सकता है। इसके पश्चात् कोई भी एतराज काबिले समायत नहीं होगा तथा आवेदन—पत्र पर नियमानुसार कार्यवाही अमल में लाई जाएगी।

आज दिनांक 25—02—2021 को मेरे हस्ताक्षर व मोहर अदालत द्वारा जारी हुआ।

मोहर।

हस्ताक्षरित /—  
सहायक समाहर्ता प्रथम श्रेणी,  
तहसील बालीचौकी, जिला मण्डी (हि० प्र०)।

### In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Shimla (Urban)

In the matter of :

1. Sh Zishan Sheikh aged about 30 years s/o Sh. Hanief Sheikh, r/o Kuber Building, Near Children Park Sanjauli, Tehsil & District Shimla, Himachal Pradesh (India).

2. Ms. Abhilasha aged about 28 years d/o Sh. Pranav Saul, r/o Ward No. 6, Village & P.O. Dehra Gopipur, Tehsil & District Kangra, Himachal Pradesh (India). . . Applicant.

*Versus*

General Public

Subject.—Notice to intend marriage under section 5 of Special Marriage Act, 1954.

Sh Zishan Sheikh aged about 30 years s/o Sh. Hanief Sheikh, r/o Kuber Building, Near Children Park Sanjauli, Tehsil & District Shimla, Himachal Pradesh (India). and Ms. Abhilasha aged about 28 years d/o Sh. Pranav Saul, r/o Ward No. 6, Village & P.O. Dehra Gopipur, Tehsil & District Kangra, Himachal Pradesh (India) have filed an application and affidavits in the court of the undersigned under section 5 of Special Marriage Act, 1954 today on dated 03-03-2021 and intend to get married within three calendar months from the date hereof.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objections personally or in writing before this court on or before 04-04-2021 from the date of this notice after that no objection will be entertained and marriage shall be registered accordingly.

Issued today on 03rd March, 2021 under my hand and seal of the court.

Seal.

MANJEET SHARMA (H.P.A.S.),  
Marriage Officer-cum-Sub-Divisional Magistrate,  
Shimla (Urban).

**In the Court of Sh. Saurabh Jassal, IAS, Marriage Officer-cum-Sub-Divisional Magistrate,  
Theog, District Shimla, H. P.**

In the matter of :

Mr. Nitin Kumar s/o Shri Sant Ram, r/o Village Ghunda, P.O. Himri, Tehsil Kotkhai, District Shimla, H.P.

Miss. Meena d/o Sh. Ratan c/o Shyma Nand s/o Late Sh. Madu Ram, r/o Village & P.O. Baghi, Tehsil Kotkhai, District Shimla, H.P. . . Applicants.

*Versus*

The General Public

. . Respondent.

*Proclamation for the registration of Marriage under section 15 of the Special Marriage Act, 1954.*

Mr. Nitin Kumar s/o Shri Sant Ram and Miss Meena d/o Sh. Ratan have filed an application alongwith affidavits before the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 15-11-2017 and they are living as husband and wife since then, hence their marriage is to be registered under Special Marriage Act, 1954 under section 15.

Therefore, by this proclamation, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing within 30 days from the date of publication of this notice after that no objection will be entertained and marriage will be registered accordingly.

Given under my hand and seal of the court on this 25th day of February, 2021.

Seal.

SAURABH JASSAL, IAS,  
*Marriage Officer-cum-Sub-Divisional Magistrate,  
 Theog, District Shimla, H. P.*

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**In the Court of Marriage Officer-cum-Sub-Divisional Magistrate, Rampur Bushahr,  
 District Shimla (H. P.)**

In the matter of :

1. Sh. Harish s/o Sh. Parma Nand aged 25 years, r/o Village Sunda, P.O. Khaneri, Tehsil Rampur Bushahr, District Shimla (H. P.).
2. Miss Jaya Rasaili d/o Sh. Bhime Rasaili aged 24 years, r/o Bheri Municipality Ward No.1, Jajarkot, Nepal at present, r/o Village Sunda, P.O. Khaneri, Tehsil Rampur Bushahr, District Shimla (H. P.) . . . *Applicants.*

*Versus*

General Public

. . . *Respondent.*

Proclamation for the registration of marriage under section 15 of the Special Marriage Act, 1954.

Sh. Harish s/o Sh. Parma Nand aged 25 years, r/o Village Sunda, P.O. Khaneri, Tehsil Rampur Bushahr, District Shimla (H. P.) and Prem Jaya Rasaili d/o Sh. Bhime Rasaili aged 24 years, r/o Bheri Municipality Ward No.1, Jajarkot, Nepal at present, r/o Village Sunda, P.O. Khaneri, Tehsil Rampur Bushahr, District Shimla (H. P.) have filed an application alongwith affidavits in the court of undersigned under section 15 of Special Marriage Act, 1954 that they have solemnized their marriage on 05-04-2017 at Rampur Bushahr, Tehsil Rampur, Distt. Shimla, H.P. according to Hindu Rites and they are living as husband and wife since then, hence their marriage may be registered under Special Marriage Act, 1954.

Therefore, the general public is hereby informed through this notice that any person who has any objection regarding this marriage can file the objection personally or in writing before this court on or before 24-03-2021 after that no objection will be entertained and marriage will be registered.

Issued today on 23th day of the february, 2021 under my hand and seal of the court.

Seal.

Sd/-

*Marriage Officer-cum-  
 Sub-Divisional Magistrate,  
 Rampur Bushahr, District Shimla (H. P.).*

**In the Court of Manjeet Sharma (H.P.A.S), Sub-Divisional Magistrate, Shimla (Urban),  
District Shimla, Himachal Pradesh**

Sh. Tek Chand s/o Sh. Nar Bahadur, r/o Set No.-9, Block-2, Type-1, Forest Colony,  
Chakkar Shimla, Tehsil and District Shimla (H.P.) .. *Applicant.*

*Versus*

General Public .. *Respondent.*

*Application under section 13(3) of Birth and Death Registration Act, 1969.*

Sh. Tek Chand s/o Sh. Nar Bahadur, r/o Set No.-9, Block-2, Type-1, Forest Colony, Chakkar Shimla, Tehsil and District Shimla (H.P.) has preferred an application to the undersigned for registration of date of birth of himself TEK CHAND (DOB 02-06-1993) at above address in the record of Municipal Corporation, Shimla.

Therefore, through this proclamation, the general public is hereby informed that any person having any objection for entry as to date of birth mentioned above, may submit his objection in writing in this court within 30 days from the date of publication of this notice in official Gazette. No objection will be entertained after prescribed period and application will be decided accordingly.

Given under my hand and seal of the Court on this 4th March, 2021.

Seal.

MANJEET SHARMA (HPAS),  
*Sub-Divisional Magistrate,*  
*Shimla (Urban), District Shimla (H.P.).*

ब अदालत श्री प्रदीप मैहता, सहायक समाहर्ता द्वितीय श्रेणी रोहडू, जिला शिमला,  
जिला शिमला (हि० प्र०)

प्रताप सिंह पुत्र श्री हरी सिंह, निवासी खांगटा, तहसील टिक्कर, जिला शिमला (हि० प्र०) .. प्रार्थी।

बनाम

1. राम सरन पुत्र श्री राम दियाल, निवासी भमनाला, डाकघर कुटाडा, तहसील रोहडू, जिला शिमला (हि० प्र०), 2. पदम मनी पुत्री गंगा राम, हाल पत्नी श्री रन बहादुर, निवासी गांव होमटे, डाकघर हुरी, तहसील निचार, जिला किन्नौर (हि० प्र०), 3. पदम मनी उर्फ नम देवी पुत्री स्व० मुर्की लाल, हाल पत्नी श्री हीरा बाग, गांव होमटे, डाकघर हुरी, तहसील निचार, जिला किन्नौर (हि० प्र०) .. प्रतिवादी।

उनवान मुकद्दमा—इश्तहार तकसीम जेर धारा 123 हि०प्र० भू—राजस्व अधिनियम, 1954 बाबत भूमि खाता नं० 16 व 17 चक भमनाला, तहसील रोहडू, जिला शिमला (हि०प्र०)।

इस अदालत में श्री प्रताप सिंह पुत्र श्री हरी सिंह, निवासी खांगटा, तहसील टिक्कर, जिला शिमला (हि० प्र०) ने भूमि खाता नं० 16 व 17 चक भमनाला, तहसील रोहडू, जिला शिमला (हि०प्र०) की तकसीम हेतु दावा किया है। वादी को उक्त प्रतिवादीगण के सही पते मालूम नहीं हैं जिसके कारण समन की तामील नहीं हो पा रही है तथा मामला लम्बित हो रहा है।

अतः इस इश्तहार द्वारा उपरोक्त प्रतिवादीगण को बजरिया इश्तहार सूचित किया जाता है कि यदि किसी को भी उपरोक्त भूमि की तकसीम करने में किसी प्रकार का एतराज व उजर हो तो वह दिनांक 23–03–2021 को सांय 5.00 बजे तक असालतन या वकालतन की अदालत में हाजिर होकर लिखित व मौखिक प्रस्तुत करे। यदि उक्त तारीख तक कोई उजर/एतराज प्रस्तुत नहीं हुआ तो समझा जाएगा कि उक्त भूमि की तकसीम करने हेतु किसी को कोई आपत्ति नहीं है तथा मामले में नियमानुसार एकतरफा कार्यवाही अमल में लाकर मामले का निपटारा कर दिया जाएगा।

आज दिनांक 20–02–2021 को हमारे हस्ताक्षर व मोहर सहित अदालत से जारी हुआ।

मोहर।

प्रदीप मैहता,  
सहायक समाहर्ता द्वितीय श्रेणी, रोहडू  
जिला शिमला (हिं0 प्र0)।

ब अदालत श्री नरौत्तम लाल गौड़, कार्यकारी दण्डाधिकारी, तहसील कमरऊ,  
जिला सिरमौर (हिं0 प्र0)

श्रीमती अनिता पत्नी श्री दिनेश कुमार, निवासी ग्राम शमांह, डाठ शावगा, तहसील कमरऊ, जिला सिरमौर।

बनाम

आम जनता

प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्रीमती अनिता पत्नी श्री दिनेश कुमार, निवासी ग्राम शमांह, डाठ शावगा, तहसील कमरऊ, जिला सिरमौर ने इस अदालत में एक प्रार्थना—पत्र गुजारा है कि उसके पुत्रों नमन शर्मा व वैदांत शर्मा का नाम व जन्म तिथियां क्रमशः 24–08–2015 व 06–02–2017 है, जिसका अज्ञानतावश इन्द्राज ग्राम पंचायत शमांह पम्ता के परिवार व जन्म अभिलेख में दर्ज नहीं करवा सकी है।

अतः मूल प्रकरण इस कार्यालय से मुख्य रजिस्ट्रार जन्म एवं मृत्यु/मुख्य चिकित्सा अधिकारी, नाहन को आगामी आवश्यक कार्यवाही हेतु प्रेषित किया गया था जोकि उनके कार्यालय पत्र संख्या: 4144, दिनांक 30–01–2020 द्वारा संस्तुति सहित इस कार्यालय को प्राप्त हुआ है।

अतः सर्वसाधारण को इस इश्तहार के मार्फत सूचित किया जाता है कि इस बारे किसी को कोई उजर/एतराज हो तो वह दिनांक 19–03–2021 को प्रातः 11.00 बजे या दिनांक 19–03–2021 से पूर्व किसी भी कार्य दिवस में अदालत हजा रिथत कमरऊ में असालतन या वकालतन हाजिर आकर दर्ज करवा सकता है। निर्धारित अवधि या इसके पूर्व में कोई आपत्ति प्राप्त न होने की सूरत में प्रार्थना—पत्र श्रीमती अनिता पत्नी श्री दिनेश कुमार, निवासी ग्राम शमांह, डाठ शावगा, तहसील कमरऊ, जिला सिरमौर पर नियमानुसार कार्यवाही अमल में लाई जायेगी।

आज दिनांक 19–02–2021 को मेरे हस्ताक्षर व कार्यालय मोहर अदालत द्वारा जारी किया गया।

मोहर।

हस्ताक्षरित/—  
कार्यकारी दण्डाधिकारी,  
तहसील कमरऊ, जिला सिरमौर (हिं0 प्र0)।

**In the Court of Sh. Gurmit G. Negi, Executive Magistrate (Tehsildar), Solan,  
District Solan (H. P.)**

In the matter of :

Sh. Narinder Sharma s/o Sh. Atma Ram, r/o Thakur Building Chambaghat, Flat No. 109, Near DIC Office Chambaghat, Tehsil & District Solan, Himachal Pradesh . . . *Applicant.*

*Versus*

General Public . . . *Respondent.*

*Application under section 13(3) of Birth and Death Registration Act, 1969.*

Sh. Narinder Sharma s/o Sh. Atma Ram, r/o Thakur Building Chambaghat, Flat No. 109, Near DIC Office Chambaghat, Tehsil & District Solan, Himachal Pradesh has moved an application before the undersigned under section 13(3) of Birth & Death Registration Act, 1969 alongwith affidavit and other documents for entering of date of birth her daughter namely—Ayushi Sharma i.e. 24-10-1995 at home, Village Berti, P.O. Ghatti, Tehsil & District Solan but her date of birth could not be entered in the record of Gram Panchayat Dangri.

Therefore, by this proclamation, the general public is hereby informed that any person having any objection(s) for the registration of delayed date of birth of Ayushi Sharma d/o Sh. Narinder Sharma s/o Sh. Atma Ram, r/o Thakur Building Chambaghat, Flat No. 109, Near DIC Office Chambaghat, Tehsil & District Solan, Himachal Pradesh may submit their objection in writing or appear in person in this court on or before 23-03-2021 at 10.00 A.M. failing which no objection will be entertained after expiry of date.

Given under my hand and seal of the court on this 22nd day of February, 2021.

Seal.

GURMIT G. NEGI,  
*Executive Magistrate (Tehsildar),  
Solan, District Solan (H.P.).*

**In the Court of Sh. Gurmit G. Negi, Executive Magistrate (Tehsildar), Solan,  
District Solan (H. P.)**

In the matter of :

Sh. Puran Chand s/o Sh. Raja Ram c/o Smt. Poonam Kashyap, V.P.O. Jaunaji, Tehsil & District Solan, Himachal Pradesh . . . *Applicant.*

*Versus*

General Public . . . *Respondent.*

*Application under section 13(3) of Birth and Death Registration Act, 1969.*

Sh. Puran Chand s/o Sh. Raja Ram c/o Smt. Poonam Kashyap, V.P.O. Jaunaji, Tehsil & District Solan, Himachal Pradesh has moved an application before the undersigned under section 13(3) of Birth & Death Registration Act, 1969 alongwith affidavit and other documents for entering of date of birth her daughter namely—Manisha Kumari i.e. 10-07-2004 at home, V.P.O. Jaunaji, Tehsil & District Solan, but her date of birth could not be entered in the record of Gram Panchayat Jaunaji.

Therefore, by this proclamation, the general public is hereby informed that any person having any objection(s) for the registration of delayed date of birth of Manisha Kumari d/o Sh. Puran Chand s/o Sh. Raja Ram c/o Smt. Poonam Kashyap, V.P.O. Jaunaji, Tehsil & District Solan may submit their objection in writing or appear in person in this court on or before 28-03-2021 at 10.00 A.M. failing which no objection will be entertained after expiry of date.

Given under my hand and seal of the court on this 22nd day of Febuary, 2021.

Seal.

GURMIT G. NEGI,  
*Executive Magistrate (Tehsildar),  
Solan, District Solan (H.P.).*

**In the Court of Sub-Divisional Magistrate, Nalagarh, District Solan (H.P.) exercising  
the powers of Marriage Officer under Special Marriage Act, 1954**

Case No. : / 2021

Date of Instt. : 24-02-2021

Pending for : 25-03-2021

*Notice u/s 15 of the Special Marriage Act, 1954 inviting the objections of the General Public for registration of marriage.*

Whereas, Shri Sanjeev Kumar s/o Sh. Tilak Raj, r/o Village Malpur, P.O. Jhara, Sub-Tehsil Panjehra, District Solan (H.P.) and Smt. Manju Sharma d/o Sh. Madan Lal, r/o Village Jaiwala, P.O. Panjehra, Sub-Tehsil Panjehra, District Solan (H.P.) presently w/o Shri Sanjeev Kumar s/o Sh. Tilak Raj, r/o Village Malpur, P.O. Jhara, Sub-Tehsil Panjehra, District Solan (H.P.) has moved an application u/s 15 of the Special Marriage Act, 1954 for registration of their marriage that was solemnized on 02-11-2020.

And, whereas, both these applicants have submitted in their applications and in their affidavits that theys were unmarried at the time of solemnization of their marriage, and were major in age and having no prohibited relations to each other debarring them to marry each other. Both the applicants have requested for registration of their marriage.

Therefore, by this notice the public in General is informed that if anyone has any objection regarding registration of this marriage, he may present before this court on or before 25-03-2021 for hearing of objections if any. In case no objection is received by dated 25-03-2021, it will be

presumed that there is no objection to the registration of the above said marriage and the same will be registered on the said date.

Given under my hand and seal of the court on 24-02-2021.

Seal.

Sd/-

*Marriage Officer-cum-SDM,  
Nalagarh, District Solan (H. P.).*

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### CHANGE OF NAME

I, Vinod Kumar s/o Late Sh. Keshav Ram, r/o Village Shyar, P.O. Beolia, Tehsil and District Shimla (H. P.) have changed my name from Vinod Kumar to Vinod Kumar Shandil. Concrned noted.

VINOD KUMAR,  
*s/o Late Sh. Keshav Ram, r/o Village Shyar, P.O. Beolia,  
Tehsil and District Shimla (H. P.).*

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### CHANGE OF NAME

I, Sanjeev Kumar s/o Sh. Jagdish Kumar, r/o House No. 170, Gali No. 2, Part-2, Jharoda Mazra Burari, Delhi-110084, have changed my name to Sanjeev Verma for all purposes.

SANJEEV KUMAR,  
*s/o Sh. Jagdish Kumar, r/o House No. 170,  
Gali No. 2, Part-2, Jharoda Mazra Burari, Delhi-110084.*

